

Exhibit 5

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

DONALD TRUMP, IN HIS OFFICIAL
CAPACITY AS PRESIDENT OF THE
UNITED STATES, *et al.*,

Defendants.

Civil Action No. 1:25-cv-39 (JJM)

**DEFENDANTS' NOTICE OF COMPLIANCE WITH COURT'S
TEMPORARY RESTRAINING ORDER**

Defendants respectfully submit this Notice of Compliance regarding the Court's temporary restraining order entered on January 31, 2025. *See* ECF No. 50.

1. As noted, this Court entered a temporary restraining order on the evening of Friday, January 31, 2025. That Order directed (among other things):

Defendants' attorneys shall provide written notice of this Order to all Defendants and agencies and their employees, contractors, and grantees by Monday, February 3, 2025, at 9 a.m. Defendants shall file a copy of the notice on the docket at the same time.

ECF No. 50 at 12. Consistent with that directive, later that same night Defendants' attorneys provided written notice of the Order to all Defendant agencies,¹ stating that Defendant agencies should disseminate this written notice to all "employees, contractors, and grantees by Monday, February 3, 2025, at 9 a.m." A copy of that written notice is attached hereto.

¹ One of the Defendants in this matter is the President of the United States. To fulfill the Court's directive to provide notice to "all Defendants" with respect to the President, Defendants' attorneys provided written notice of the Order to attorneys in the Office of the White House Counsel.

2. The Order contains several ambiguous terms and provisions that could be read to constitute significant intrusions on the Executive Branch's lawful authorities and the separation of powers. See ECF No. 50 at 12 (prohibiting "reissuing, adopting, implementing, or otherwise giving effect to the OMB Directive under any other name or title or through any other Defendants (or agency supervised, administered, or controlled by any Defendant), such as the continued implementation identified by the White House Press Secretary's statement of January 29, 2025"). Given that the Plaintiffs only challenged the OMB Memorandum, Defendants do not read the Order to prevent the President or his advisors from communicating with federal agencies or the public about the President's priorities regarding federal spending. Nor do Defendants construe the Order as enjoining the President's Executive Orders, which are plainly lawful and unchallenged in this case. Further, Defendants do not read the Order as imposing compliance obligations on federal agencies that are not Defendants in this case. Defendants respectfully request that the Court notify Defendants if they have misunderstood the intended scope of the Court's Order.

Dated: February 3, 2025

Respectfully Submitted,

BRETT A. SHUMATE
Acting Assistant Attorney General

ALEXANDER K. HAAS
Director

/s/ Daniel Schwei
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Counsel for Defendants

CERTIFICATION OF SERVICE

I hereby certify that on February 3, 2025, I electronically filed the within Certification with the Clerk of the United States District Court for the District of Rhode Island using the CM/ECF System, thereby serving it on all registered users in accordance with Federal Rule of Civil Procedure 5(b)(2)(E) and Local Rule Gen 305.

/s/ Daniel Schwei
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